## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

MORTGAGE ELECTRONIC	)	
REGISTRATION SYSTEMS, INC.,	)	
and MERSCORP, INC.,	)	
	)	
Plaintiffs,	)	
	)	No. 4:09-CV-00731-CAS
VS.	)	
	)	
ROBERT BELLISTRI,	)	
	)	
Defendant.	)	

## MOTION TO UNSEAL AND PUBLISH OPINION

Plaintiffs Mortgage Electronic Registration Systems, Inc. and Merscorp, Inc. (collectively MERS) respectfully pray that the Court unseal its opinion of July 1, 2010, and arrange for its publication. As grounds for this relief, MERS states:

- 1. MERS sought leave of Court to file its motion for summary judgment under seal because some of the exhibits contained confidential, proprietary information about MERS and its business.
- 2. The Court's opinion references some of those exhibits but does not itself disclose material that MERS regards as confidential or proprietary.
- 3. As the opinion notes, some of MERS' members have expressed concern about MERS' ability to ensure timely notice of potential threats to their liens on homes securing loans. The opinion holds that both the Jones-Munger Act

and due process require that MERS receive notice of tax sales, which will permit MERS to notify its members of any such sale. MERS needs to be able to share the Court's opinion with its members to assuage their concerns.

4. In addition, MERS needs to be able to cite the Court's opinion in pending litigation against MERS and in potential future litigation involving MERS' rights under both the Jones-Munger Act and due process. The Court's opinion is by far the clearest and most comprehensive explanation of MERS' business practices that the undersigned counsel has seen.

Wherefore, MERS respectfully prays that the Court unseal its opinion of July 1, 2010, and arrange for its publication.

Respectfully Submitted,

HUSCH BLACKWELL SANDERS LLP

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## **CERTIFICATE OF SERVICE**

I hereby certify that on July 7, 2010, the foregoing was filed electronically with the Clerk of Court to be served by operation of the court's electronic filing system upon the following:

Phillip K. Gebhardt, Esq. Gebhardt Real Estate and Legal Services, L.L.C. 1720 North Main Street Desoto, MO 63030

s/ Mark G. Arnold

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